

Notice of Allowability

Application No.

10/752,397

Examiner

Brian M. Healy

Applicant(s)

SACCOMANNO, ROBERT J.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 1/6/2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 16 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 04192005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Brian Healy
Primary Examiner

ALLOWABLE SUBJECT MATTER

The following is an Examiner's Statement of Reasons for Allowance: The closest prior art of record, i.e. Hartl et. al., U.S.P. No. 5,430,818 teaches (Fig. shown) an optical fiber coupler device that includes a tapered optical fiber section comprising: a metal tube 9 that also includes a clear insert 1,1.1 positioned in contact with the inner circumference of the metal tube, a plurality of holders 2.1.2.2,3.1,3.2 which holds constant diameter in conjunction with solder and a tapered optical fiber coupling section 10,11 with polymer mass material 7.1,7.2 to seal the ends of the tube. Hartl et. al. does not teach or suggest an optical fiber coupler (and method of forming same) that includes an input tapered region extending from the first open circular end for a predetermined distance along the central axis with the tapered region including a first plurality of grabbers (Note that the holders of Hartl et. al. cannot be properly characterized as grabbers since the fibers are soldered in place) with each one of the first plurality of grabbers extending radially from the inner circumferential surface of the metal tube and the the first plurality of grabbers collectively defining a first portion of a cone extending from the first open circular end. In addition, Hartl et. al. does not teach or suggest a coupling region that is placed between first and second plural grabbers for grabbing a tapered fiber portion and a portion of the fiber of a constant diameter. (Note that the claimed method step of claim 7 includes crimping a deformable metal tube to facilitate the action of the grabbers, which is not taught or suggested by Hartl et. al.) These features are recited in independent claims 1,7, and 11. The remaining dependent claims

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2-6,8-10 and 12-15 includes the limitations of the independent claims along with other additional limitations (see dependent claims for specific details of these limitations). Thus claims 1-15 are considered to be patentable over the teachings of Hartl et. al. and all of the cited prior art of record.

The following references are cited by the Examiner on PTO-892 as being background prior art but the claims are also considered to be patentable over the art: Imoto et. al., U.S.P. No. 4,822,128 (Figs.1-15), Centanni et. al., U.S. Patent Application Publication No. U.S.2002/0071637 A1 (Figs.1-17), Saccomanno, U.S. Patent Application Publication No. U.S. 2005/0031271A1 (Figs.1-6), Mitchell, U.S.P. No. 4,697,861 (Figs.1-4) and Daoud, U.S.P. No. 6,488,317 (Figs.1-9).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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Examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. §§ 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-2347. The examiner can normally be reached on Compressed Schedule Tues-Thurs. 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian M. Healy
Primary Examiner
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A handwritten signature in black ink, appearing to read "Brian Healy", written in a cursive style.

Brian Healy
Primary Examiner